

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RICHARD COSTANZO,**

**Defendant.**

**8:10CR146**

**8:10CR425**

**ORDER**

This matter is before the court on the motions of defendant Richard Costanzo (Costanzo) to provide documents (Filing No. 346 in 8:10CR146 and Filing No. 84 in 8:10CR425). Costanzo seeks an order from the court directing his counsel, James Martin Davis (Davis), to provide Costanzo with Costanzo's case file in order to prepare his request for postconviction relief. Davis filed a response to the motions (Filing No. 348 in 8:10CR146 and Filing No. 86 in 8:10CR425). Davis states he is willing to provide access to the records but the volume (more than fifteen boxes full) and nature of some of the items (hundreds of CDs and DVDs, some unmarked) prevent him from delivering the records to Costanzo, who is an inmate. For these reasons, Davis suggested Costanzo designate certain materials he needs to be sent or sign a release so someone may pick up the materials on his behalf. Generally, Davis should make the records available to Costanzo, however the nature of the records creates logistical challenges. Davis is relieved of these challenges by producing the records to Costanzo's representative. Accordingly,

Richard Costanzo shall designate a representative to take custody of the case file, in writing. Upon receipt of Richard Costanzo's written authorization to release the case file to a particular representative, Richard Costanzo's motions shall be granted and Davis shall immediately provide the case file to the representative.

**IT IS SO ORDERED.**

Dated this 25th day of March, 2013.

BY THE COURT:

s/ Thomas D. Thalken

United States Magistrate Judge